

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-00118

ROBERT ADAMS

MEMORANDUM OPINION AND ORDER

On July 1, 2019, defendant pled guilty to an information in Criminal No. 2:19-00152. A condition of the proposed plea agreement in the information case is that the United States will dismiss this action if the plea is accepted and judgment entered in that information case. Sentencing in that matter is scheduled for November 4, 2019.

Pending before the court is the government's motion to continue the trial in this case pending final disposition of the information case. (ECF No. 70). The defendant does not oppose the government's request for a continuance.

For good cause shown, the government's motion to continue is **GRANTED** and trial of this action is continued until November 5, 2019, at 9:30 a.m., in Charleston. Pursuant to 18 U.S.C. § 3161(h) (1) (G), "delay resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government" is excludable under the Speedy Trial Act. Alternatively, pursuant to 18 U.S.C. § 3161(h) (7) (A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act because

failure to grant the requested continuance would likely result in a miscarriage of justice and the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial. In so finding, the court concludes that the negotiated plea in the information is beneficial to the government and the defendant for reasons placed on the record at the plea hearing.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 23rd day of July, 2019.

ENTER:

David A. Faber

David A. Faber
Senior United States District Judge